

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 10, 1927, the Yates County Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it be salvaged and the portion unfit for human food destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15153. Adulteration and Misbranding of coffee. U. S. v. Irving Gordon. Plea of nolo contendere. Fine, \$50. (F. & D. No. 19793. I. S. No. 1322-x.)

On April 5, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Irving Gordon, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about September 11, 1925, from the State of New York into the State of Illinois, of a quantity of coffee which was adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, legumes, had been substituted in part for coffee, which the said article purported to be, and for the further reason that a substance to wit, legumes, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, coffee, which it purported solely to be.

On May 9, 1927, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15154. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21775. I. S. No. 10729-x. S. No. W-2107.)

On March 4, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 boxes of grapefruit, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Fruit Distributors, Inc., from Blanton, Fla., on or about February 17, 1927, and transported from the State of Florida into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blanton Packing Co. Packers of Blue Moon Brand Oranges & Grapefruit Blanton, Florida."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that an inedible product had been substituted in whole or in part for normal grapefruit of good commercial quality.

On April 9, 1927, the Oregon-Washington Railroad & Navigation Co. having entered a claim against the property for unpaid freight and demurrage charges, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15155. Adulteration and misbranding of butter. U. S. v. Americus Ice Cream & Creamery Co. Plea of nolo contendere. Fine, \$25. (F. & D. No. 19763. I. S. Nos. 6562-x, 6607-x.)

On August 13, 1926, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Americus Ice Cream & Creamery Co., a corporation, Americus, Ga., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, on or about October 19 and November 6, 1925, respectively.

from the State of Georgia into the State of Florida, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Butter-Maid Creamery Butter * * * Made by Americus Ice Cream & Creamery Co., Americus, Georgia One Pound Net Weight."

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount. Misbranding was alleged with respect to the portion of the product consigned November 6, 1925, for the further reason that the statement, to wit, "One Pound Net Weight," borne on the label, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter, whereas they did not, but did contain a less amount, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 1, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

56. Adulteration of ice cream cones. U. S. v. 34 Cases of Ice Cream Cones. Default decree of condemnation and forfeiture entered. Product ordered sold for hog feed. (F. & D. No. 21057. I. S. No. 806-x. S. No. W-1667.)

On May 15, 1926, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 cases of ice cream cones, remaining in the original unbroken packages at Denver, Colo., consigned by the Harlow Cone Co., Inc., Fort Worth, Tex., alleging that the article had been shipped from Fort Worth, Tex., on or about September 26, 1925, and transported from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (carton) "Kiddie-Cake Cups Complies with Pure Food and Drug Laws Sweetened and flavored to taste, 5 cents, Harlow Cone Co., Inc., Ft. Worth, Texas."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, general paragraph and paragraph 2, under food, in that a substance composed of saccharin had been mixed and packed therewith so as to injure and lower and injuriously affect its quality and strength, and paragraph 1, under food, in that it contained an added poisonous or other added deleterious ingredient, saccharin, so as to render it injurious to health.

On May 14, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be ground and sold by the United States marshal for hog feed, and no purchaser could be found.

W. M. JARDINE, *Secretary of Agriculture.*

57. Misbranding of cottonseed meal. U. S. v. 480 Sacks of Cottonseed Meal. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 21487. I. S. No. 10219-x. S. No. C-5302.)

On December 27, 1926, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 480 sacks of cottonseed meal, remaining unsold in the original packages at Piqua, Ohio, consigned by Humphreys-Godwin Co., Memphis, Tenn., on November 22, 1926, alleging that the article had been shipped from Forest City, Ark., and transported from the State of Arkansas into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Bull Brand Cottonseed Meal Analysis Protein 43 Per Cent from Pressed Cottonseed for Humphreys-Godwin Co., Memphis, Tenn." It was alleged in the libel that the article was misbranded, in that the statement "Protein 43 Per Cent" was false and misleading and deceived and misled the purchaser.